

LAW LIBRARY JOURNAL

Vol. XI

October, 1918

No. 3

Published in conjunction with the Index to Legal Periodicals, Vol. XI, No. 3, October, 1918

THE MASSACHUSETTS CONSTITUTIONAL CONVENTION

LAWRENCE B. EVANS,

Librarian of the Massachusetts State Library.

America is pre-eminently the land of the written constitution. Such instruments of government are not unknown, to be sure, in other countries, but in America, with the exception of the brief period from the assembling of the second Continental Congress in 1775 until the adoption of the Articles of Confederation in 1781, neither the United States nor any member thereof has known a government which was not based upon a written instrument. The Virginia charters and the Mayflower Compact were the progenitors of a long line of constitutions whose unbroken succession has made the American people feel almost instinctively that orderly government is dependent upon a written document in which the organization of the state shall be described, and the fundamental rights of the people shall be defined and protected. That somewhat nebulous scheme of government known as the British Constitution, which is so intangible and at the same time so real has no parallel in the history of American institutions.

At the present time government in America is based upon forty-nine written constitutions which compose our fundamental law, shaping and controlling and restraining the political activity both of the people of our several political units and of their governmental agents. To the provisions of these instruments all enactments of subordinate law-making authorities as well as all the acts of executive and administrative officials must conform, and it is axiomatic in our law that any enactments or executive acts which do not so conform will not be given any legal effect by the courts.

In consequence of the universal prevalence of written instruments of government in the United States, and in view of the general tendency to embody a mass of statutory matter in the fundamental law and thus put it out of the reach of the legislative bodies which are so generally distrusted, the needs of a rapidly changing and complex society compel frequent revision and amendment of our constitutions. Specific changes will in most cases be brought about upon the initiative of the legislature, but a revision of the constitution as a whole will be left to a body especially elected for that purpose. Hence constitutional conventions, which in most States have heretofore met at long intervals, are likely to be called with increasing frequency, and it will be strange if in the future any State shall fail to hold a convention at least once in each generation.

In consequence of the general employment of the constitutional convention as an agency for effecting a general revision of our fundamental law, we

are gradually developing in this country a new department of jurisprudence, the law of the constitutional convention. This fact has been somewhat obscured by the historic meaning attaching to the term "convention." In the past the word has been associated with revolution, and hence in our minds the conventions which are now so ordinary a phenomenon in the United States are often associated with the Convention Parliament which was a part of the Stuart revolution in England, and with the National Convention by which the feudal régime was overthrown in France. Indeed in the history of the United States our first conventions were of this same revolutionary nature. The most important body of this kind was the Federal Convention of 1787, which met without constitutional warrant, drew up a new instrument of government which it had no legal authority to draw up, and recommended its adoption by a procedure which was in direct violation of the fundamental law.

Names, however, are often more permanent than things. His Majesty, King George V, is styled Defender of the Faith, although he repudiates the authority of the pontifical office from which that title was derived, and the faith of which he is the titular defender is not the faith for which the original recipient of the title stood sponsor. The State of New York possesses a Supreme Court which is not supreme, and the General Court of Massachusetts is not a court at all. These misnomers are not more marked than is the term "convention" as applied to the chief organ in the orderly and strictly legal process of constitutional revision; and just as the sovereign of England is still styled Defender of the Faith although the faith has changed, and just as the Supreme Court of New York and the General Court of Massachusetts retain names which are no longer a correct description of them, so the constitutional convention by its very name often leads to a wrong conception of its character and obscures the course of its development during the last century, as a result of which it has now come to be a normal and entirely legal organ of government. Occasionally, to be sure, one still finds a convention which, like the Illinois Convention of 1862, regards itself as the embodiment of popular sovereignty, and hence free from any restraints of existing law, either constitutional or statutory. These precedents cannot be altogether disregarded, but they are becoming less and less frequent, and represent a conception of the constitutional convention which is bound to disappear.

Among the many conventions which have recently assembled or are about to assemble in the several States, the Constitutional Convention of Massachusetts, which met in Boston, June 6, 1917, possesses two or three features which give it more than a local or transient interest. In the first place the constitution which it is revising is the oldest written constitution now in force anywhere in the world. It is not the first document of this kind, but all which preceded it have passed away. In his address at the opening of the Convention, Governor McCall drew attention to this fact and urged the delegates to remember that an instrument hallowed by such antiquity and under which the Commonwealth had prospered should not be set aside lightly or without serious reason. In the second place, the Constitution of Massachusetts is the last survivor of that group of instruments of government which were drawn up during the American Revolution, under the

influence of a political philosophy which regarded all government with distrust. Officers, it was thought, were bound to abuse any power with which they were vested, and the framers of government were therefore largely concerned in devising a system of checks and balances which often resulted in preventing action of any kind. Perhaps there is no sharper contrast between the Convention now sitting in Boston and its predecessor of 1780 than in their outlook upon government. Instead of balancing one officer against another, the present Convention looks upon government as an organization which is intended to act, and it is therefore endeavoring to devise machinery by which the many new functions which government has assumed since 1780 may be discharged. I need not remind you that the language of the Massachusetts Constitution of 1870 is that of John Adams, to whose florid nature is perhaps traceable not only the grandiloquence of some of its sentences, but also the fact that in its contents the instrument is a combination of fundamental law and political pamphlet. An effort was made in the present Convention to expunge from the document some of its political generalities which seem unsuited in such a place, but the rhetoric of John Adams is dear to the heart of Massachusetts and his glowing periods will still adorn our fundamental law. In the third place the work of the Massachusetts Convention is distinguished from that of similar bodies in other States by the fact that the instrument which it is revising is one of the briefest of all the State Constitutions now in force. Hence the task of adapting an eighteenth century constitution to the needs of twentieth century society is comparatively easy. It is a maxim of our constitutional law that the legislatures of our States possess all authority of which they have not been specifically deprived. In most of the States the list of restrictions upon the power of the legislature is long and tends to increase. In Massachusetts the specific restrictions are few in number, and the amendments which have been adopted or which are now under consideration tend for the most part to remove the few restrictions that exist and to state specifically that the Legislature shall have authority over certain subjects in order to prevent a decision to the contrary by the Supreme Judicial Court.

When I was invited to prepare this paper, I was asked to speak particularly of that part of the work of the Convention with which I was most intimately associated, because it was in this connection that the Convention has made certain innovations which may be of interest to similar bodies in the future, and which in some States might especially concern the State Librarian. A year before the New York Convention of 1915 assembled, a Commission, consisting of the Speaker of the House, the President of the Senate and three citizens chosen by the Governor, was established for the purpose of compiling information which might be useful to the delegates. It was this body which was perhaps responsible for the enactment by the Legislature of Massachusetts of an act authorizing the Governor to appoint "three learned and discreet persons" who should constitute a "Commission to Compile Information and Data for the Use of the Constitutional Convention." While the New York and Massachusetts Commissions have similar titles and had the same general purpose, they were in other respects quite dissimilar both in what

they undertook and in their method of procedure. At the risk of seeming to sit in judgment upon the New York Commission, to whom my colleagues and myself are much indebted, I think it well to indicate some of our differences. The publications which were prepared by the New York Commission for the use of the New York Convention were notable for their scholarly character, and some of them were encyclopedic in the exhaustiveness of their treatment. The Index-Digest of the State Constitutions was one of the most helpful publications of the kind which has ever appeared in this country and is as well adapted to use in one State as in another. Our Commission was enabled through the generosity of some of the New York officials to purchase ten copies of this volume for the use of the Massachusetts Convention. These we brought up to date by inserting under the proper headings references to constitutions and amendments which had been adopted since the date at which the makers of the Index-Digest stopped. The other publications of the New York Conventions were hardly less noteworthy. I would especially mention the volume on the Government of the State of New York,—perhaps the most complete outline which has ever been published of the government of any State. In fact it was the completeness of these publications which seemed to the Massachusetts Commission to be their chief defect. When we came to consider the question as to how we could be of most use to our Convention, we reasoned that the delegates were busy men of many interests, who had neither the time nor in many cases the necessary training for the sifting of the material. Whatever might be the case with the New York Convention, we were confident that if we embodied our data in bulky volumes, we would be politely thanked for our services, but the books themselves would be little used. We finally concluded that we would be most helpful to the Convention if we should issue a series of bulletins dealing with the most important subjects which the Convention was to consider. To this end we sent a circular letter to all the men, about nine hundred in number, who took out nomination papers for election to the Convention, asking them on what topics they would suggest that information be prepared. About one hundred topics were mentioned, and from these we selected about thirty-five which seemed to be of general interest and special importance. On each of these we prepared a special bulletin of which an edition of five hundred copies was printed and a copy was sent to each delegate as soon as it was issued.

It seemed to us that these bulletins must possess three qualities.

1. They must be concise. As already indicated, the delegates had neither the time nor the inclination to make a close study of bulky treatises. Furthermore the merits of constitutional provisions do not depend upon refinement of detail. Constitutions should deal with large principles, and these should be considered in a broad way. Hence our bulletins should present in a clear and orderly fashion the essential facts as to each of the questions with which they dealt.

2. They must be authoritative. It is a most important part of the work of such a Commission to sift the wheat from the chaff and submit to the Convention authentic information which it may safely use as the basis of its action. To this end our Commission exerted itself to the utmost to insure

accuracy of statement. We did not always succeed, but our errors—at least such of them as I know of—were only errors of detail, and would not be sufficient to invalidate any conclusions which were based upon the statements which we submitted.

3. They must be impartial. It is the function of such a Commission to supply facts and not arguments. Let it give the Convention the necessary data and the delegates will then draw their own conclusions. Furthermore the Commission must not allow itself to show partiality by suppressing some facts and emphasizing others. This requires, on the part of men who hold decided opinions, an heroic degree of self-control, but it is not impossible of attainment, and they will have their reward in winning the confidence of all parties in the Convention.

The Commission has published thirty-three bulletins in which we have tried to embody these qualities of conciseness, authoritativeness, and impartiality. It has been a source of the greatest gratification to us to see how useful the Convention has found these bulletins and how thoroughly the delegates have become convinced that they are both authoritative and impartial.

Besides these bulletins, the Commission published a Manual for the Convention, the chief feature of which was the text of the Constitution of Massachusetts annotated with full references to the decisions of our Supreme Judicial Court interpreting its several clauses. This annotation was chiefly the work of my colleague Mr. Hoar.

In addition to the duties which are implied in its long and cumbersome title, the Commission performed various other functions. At the opening of the Convention it was suggested to us that we might be useful in assisting the delegates in the drafting of amendments. For several days all of us were in attendance at the rooms of the Commission for the purpose of rendering such assistance, and a very large number of delegates called upon us for help. While the committees of the Convention were holding hearings on proposed amendments, members of the Commission were invited to appear before them either for the purpose of giving information which we were not yet ready to print, or, as in the case of Professor Monro, for the purpose of testifying as an expert on the subject under discussion. The most important service which I was called upon to render in this connection was in the drafting of the amendment dealing with old age pensions, health insurance, and other forms of social amelioration. I spent several days with the committee having this matter in charge and submitted numerous drafts. As the committee could not agree upon any one form all of them were reported to the Convention where they are now under consideration.

Early in the Convention, when the Commission had practically completed the work for which it was established, some of the committees, particularly the Committee on Form and Phraseology, intimated that they would require permanent assistance throughout the session. After considering various plans for obtaining such assistance, I was appointed under authority of the Convention to be Technical Adviser to Committees. In that capacity I am called upon to perform a considerable variety of functions, including the gathering of all sorts of information, the rendering of opinions upon questions

of law and conferring with individual delegates and with committees as to various proposals under discussion. My most important duty, however, is in connection with the Committee on Form and Phraseology. Under the rules of the Convention, every amendment upon passing to its third reading is referred to this Committee. The Chairman then turns it over to me for examination, and when I am ready to report, he calls the Committee together for the consideration of the amendment in its original form and any changes which I have suggested, or which may be proposed by members of the Committee. The object of the Committee is to see that the amendment is so drafted as to express clearly and without ambiguity the intent of the Convention. If literary grace can be added to clarity of expression, so much the better, but clearness and precision are the prime essentials. While the recommendations of the Committee on Form and Phraseology have great weight with the Convention, they are not always accepted. Constitutional conventions, like legislatures, are subject to influences which do not always make for the best results. Some of the delegates who have not had the benefit of legal training are afraid to trust the concise and exact language of the Committee and insist upon the insertion of clauses which add nothing to the amendment except superfluous words, and the Convention in a friendly spirit of concession accedes to their wishes. Other delegates insist upon phraseology which was the outgrowth of rivalry between party leaders. These are blemishes, for a constitution should contain no words that are unnecessary, but I think that in no case have they obscured the meaning.

The President of the Massachusetts Convention has said that he regards the Committee on Form and Phraseology as the most important committee of Convention. Any lawyer who is familiar with the amount of litigation which is due entirely to the careless drafting of constitutions or statutes will probably agree with him. It is a committee with which every convention and legislative body ought to be provided. We are all familiar with the work of the Federal Convention's Committee on Style. The Michigan Constitution of 1908, which is notable for its excellent draftsmanship, owes its merit in this particular to the same device. Much of the success of such a committee depends of course upon the qualities of its chairman. In this respect Massachusetts was unusually fortunate. Broad-minded and level-headed, with a good sense of proportion and a keen sense of humor, an able lawyer and a man of wide experience in affairs, a better-equipped chairman could not have been found than Augustus P. Loring.

I have spoken thus far of the machinery of the Convention. What of the results? The question which has been uppermost in the public mind since the holding of a convention first came forward for discussion is whether Massachusetts should adopt some form of initiative and referendum. A measure covering this subject which was reported to the Convention occupied the center of the stage throughout the sessions of 1917, but was put aside from time to time to permit the consideration of other questions which it was deemed necessary to submit to the people at the November election. Three such measures were agreed upon by the Convention and adopted by the people. Each of the fourteen counties returned a majority in favor of each amendment.

The first of these empowers the Legislature to provide for voting by voters who are absent from home on election day. Absent voting is not unknown in America, but it has usually been thought of as a war measure enacted in order to prevent the disfranchisement of soldiers and sailors. Aside from this class, however, it has been estimated that more than 20,000 voters in Massachusetts locomotive engineers, brakemen, traveling salesmen, chauffeurs, fishermen, and students—lose their votes every year through absence. These men, rather than the soldiers and sailors, were uppermost in the mind of the Convention when it passed this amendment with practically no opposition. It was ratified by the people by a vote of 231,905 to 76,709.

Another amendment authorizes the Legislature to make provision for public trading in the necessities of life and for shelter in time of public exigency. Massachusetts has been visited several times in recent years by such calamities as the great fires at Chelsea and Salem; and the rule laid down in *Lowell v. Boston* (1873), 111 Mass. 454, seemed to make it impossible for the State to extend adequate relief. These events, but especially the present conditions of living which bear with particular hardship upon the poor, were responsible for a strong sentiment in favor of enlarging the power of the Legislature in this direction. This amendment also received popular ratification by a vote of 261,119 to 51,826.

The third amendment adopted by the people in November was the "anti-aid amendment", which prohibits any appropriations of public money to institutions not under public control. From 1860 to the end of 1916 Massachusetts had appropriated nearly \$19,000,000 for institutions of this kind. In recent years the attempts of various churches to obtain public funds for their schools and hospitals were dividing the people of the State into hostile groups and creating an atmosphere of suspicion and antagonism. Several times amendments have been introduced in the Legislature forbidding appropriations for institutions under the control of any church; but the Convention went further, and by a vote of 275 to 25 adopted as drastic a provision as possible. Except as provided in existing contracts, there is henceforth to be no appropriation of public money for any private institution. In the weeks preceding the election this amendment was sharply debated. The Catholic hierarchy, led by Cardinal O'Connell, strongly opposed its adoption, on the ground that it was an attack on the Catholic Church, and was unjust to that body in that it shut off the possibility of aid to the parochial schools. One of the most gratifying features of the vote on the amendment both in the Convention and at the polls is the fact that it did not divide on religious lines. There are about one hundred Catholic delegates in the Convention, only nine of whom voted against the amendment, while at the polls both priests and laity showed marked independence. The amendment was ratified by a vote of 206,329 to 130,357. By this action it is hoped that a most troublesome question has been permanently removed from political discussion.

For the purpose of comparison it may be well to state that the total vote for all candidates for governor at the November election was 387,927, while the total vote for and against each of the amendments was respectively 308,614, 312,945 and 336,686.

When these three amendments had been submitted to the people, the Convention resumed its discussion of the initiative and referendum, and finally adopted a measure which provides for the initiation by the people of both constitutional amendments and of laws and also for a compulsory referendum on enactments of the Legislature. The measure is too long for detailed description, but its distinguishing features as compared with similar measures in other States may be said to be its exemptions. Neither the judiciary nor judicial decisions, nor the anti-aid amendments, nor any of the great safeguards of liberty set forth in the bill of rights may be made the subject of an initiative petition. Having adopted this amendment by a vote of 163 to 125, and having provided that it should be submitted to the people at the State election of November, 1918, the Convention adjourned until June, 1918.

A result of the Convention which it is impossible to appraise but which some of its members would assign to the first place yet remains to be noted. In a country of such a vast and varied population as that which inhabits the United States, one of the chief dangers to the public welfare is that racial or religious or economic groups may in time coalesce into social or political groups the members of which will think of the group to which they belong rather than of the whole body of citizens of which the groups are but parts. In no section of the country are all the elements for such division present in a more marked degree than in Massachusetts. It is one of our oldest commonwealths, and like all old and well-settled communities it has always looked askance upon new comers. Whether the stranger was the Baptist of Roger Williams' time invading the stronghold of established Congregationalism, or the Anglicans of the eighteenth century, or the Irish driven across the seas by the famine of 1847, or the Italians who have taken the place formerly held by the Irish, or the Greeks and French-Canadians and Portuguese and the Jews of Russia and Germany and Hungary,—whatever the race or religion of the immigrant, he has always met with a degree of hostility which to some extent has forced each racial and religious group to preserve its identity as a means of self-protection. In emphasizing the unfriendliness with which the newcomer had to contend, I do not ignore the many generous and broadminded men and women who rejoiced that the opportunities which they themselves had enjoyed in Massachusetts should be open to the sons and daughters of lands less favored, but no one can study the history of the Old Bay State without also encountering the other side of the picture. Incidents the memory of which can have no other effect than the keeping alive of passions which in the public interest ought to be allayed are part of the record and can not be forgotten. The powder is there, and at any time an intemperate word may be the match which will produce an explosion disastrous in its consequences.

The antagonism which a settled and conservative community instinctively feels towards a new comer was intensified in the case of Massachusetts by the fact that the new comer represented alien religious faiths. The history of Massachusetts is one long story of religious controversy. From the time of the exile of Roger Williams and Anne Hutchinson, from the persecution of the Salem witches and the hanging of the Quakers on Boston Com-

mon, from the reign of the Mather family to the more spacious but no less intense days of William Ellery Channing and Theodore Parker, the ancient commonwealth has never ceased to be exercised by a spirit which found it difficult to admit that religious liberty was not the surrender of religious convictions, but merely a recognition of the fallibility of human judgment and the sacredness of rights of conscience. It was reserved for Phillips Brooks to demonstrate that the basis of tolerance is neither indifference nor surrender, and that tolerance can only exist when founded upon conviction. That truth has not yet been fully accepted, and in Massachusetts and probably in all other parts of the Union, there are thousands of earnest and conscientious souls who would willingly see the secular power employed for the enforcement of their own particular religious tenets.

Massachusetts is an industrial community. In few States is so large a proportion of the people engaged in mechanical and manufacturing pursuits. In few States have the interests of the employer and the employed been brought into sharper conflict or have stronger efforts been made by the enactment of legislation to preserve the just rights of both. Vast industrial corporations,—in some cases the largest of their kind,—have been organized there and find their natural counterpart in the labor union. As a result Massachusetts is familiar with both the merits and the defects of the corporation and of the union. Here again is an array of organized interests which an excess of zeal on either side or personal ambition or an unworthy seeking for individual advantage may easily bring into open conflict.

In a community charged with such potentiality of discord, a body such as our Constitutional Convention operates as a channel of reconciliation. It is easy to denounce what seem to be objectionable views and tenets so long as they remain abstractions. But when we find that those doctrines which seem to us so repellent are supported and advocated by men whom we know and respect and trust, denunciation becomes less easy, and intolerant opposition gives way to sympathetic examination. While we may not be convinced of our own error, we are likely to find that whatever views of public policy are held by a considerable body of intelligent American citizens are entitled to a candid consideration, and the more they are considered the more likely are we to conclude that the whole fabric of public welfare would not be wrecked by their adoption. And it is in this way that the Constitutional Convention has operated as a channel of reconciliation. For six months last year, more than three hundred men representing every important racial and religious and economic interest in the State met face to face and considered together the fundamental law. Among them were several Jews, more than a hundred Catholics, Protestants of every name and men of no religious profession at all. And it was a great moment in the Convention when a leader of the extreme Protestants said of his colleagues on the committee that brought in the Anti-aid Amendment, "I am now convinced of the absolute sincerity of every member of that committee. I was not so convinced when we began." The leaders of the great racial elements of Massachusetts were present,—the Irish in considerable numbers, the French-Canadians, the Italians, Jews from Russia and Hungary,—even the Yankees. The financial and

industrial interests of the State were represented by such men as the president of the Plymouth Cordage Company, the treasurer of the United Shoe Machinery Company, and the president of the American Paper Company, while the workers were represented by men who not only adequately expressed their point of view, but who made positive contributions to the work of the Convention. As a result of the personal contact of these three hundred men, I am sure that the Commonwealth is more unified than it has ever been before. I am sure that the various racial and religious and economic groups which might so easily be converted into social or political factions are less antagonistic than they have ever been before. Quite apart from the merit of the proposals which it may formulate for submission to the people, the Convention has justified itself by enabling the people of the State the better to understand themselves, and hence the better to equip themselves for the discharge of the tasks which lie before them and for the solution of the problems which the future will bring.

CITATIONS OF CURRENT LEGAL PERIODICALS AND REPORTS

COMPILED BY

LAWRENCE H. SCHMEHL,

Columbia University Law Library.

One of the tasks of lawyers and librarians is to keep up to date their information concerning the method of citing new publications.

Unfortunately publishers do not always indicate the form of citation to be used, and therefore variations occur in practice. None of the lists of abbreviations published are complete and they soon become out-of-date. It is suggested therefore that law librarians would render a service if they attempted to fix the form of citing new publications by printing in the Law Library Journal from time to time such new abbreviations as have come to their attention.

As a contribution to this attempt the following list is submitted. It contains only current legal periodicals, reports of cases decided by Public Utility, Workmen's Compensation and Industrial Insurance Commissions, and a selection of law reports and other items not generally included in other lists. With a few exceptions, the abbreviations are taken from actual citations.

A separate list might well be drawn up of annual reports of Public Utility Commissions, etc. Attorney-General and Bar Association reports.

- Am. B. A. Jour. American Bar Association Journal. Baltimore, Md.)
- Am. Dig. Secd. Dec. Ed. .American Digest—Second Decennial Edition. (St. Paul, Minn.)
- Am. J. Int. Law.....American Journal of International Law. (New York)
- Am. Jud Soc. American Judicature Society—Bulletins. (Chicago, Ill.) (Now issued as Journal of)
- Am. L. Rev. American Law Review. (St. Louis, Mo.)
- Am. L. S. Rev. American Law School Review. (St. Paul, Minn.)
- Aust. L. T. Australian Law Times. (Melbourne, Aust.)

- B. R. C. British Ruling Cases. (Rochester, N. Y.)
 B. W. C. C. Butterworth's Workmen's Compensation Cases. (London)
 Bank Cas. Banking Cases.
 Bank. L. J. Banking Law Journal. (New York)
 Bench & Bar—n. s. Bench and Bar—new series. (New York)
 Berk's Co. L. J. Berk's County Law Journal. (Pennsylvania)
 Bom. L. R. Bombay Law Reporter. (India)
 Brief The Brief of the Phi Delta Phi. (Menasha, Wis.)
 Brit. & Col. Prize Cas. British and Colonial Prize Cases. (London)
- C. A. D. Canadian Annual Digest. (Toronto, Canada)
 C. J. Corpus Juris. (New York)
 C. L. See Comm. Tel. Cas.
 C. R. 1908 A. C. Canadian Reports, 1908, Appeal Cases; cited by year.
 Cal. Dec. California Decisions.
 Cal. I. A. C. Dec. California Industrial Accident Commission Decisions. (San Francisco, Cal.)
 Cal. L. Rev. California Law Review. (Berkeley, Cal.)
 Cal. R. C. Dec. California Railroad Commission Decisions. (Sacramento)
 Calc. L. J. Calcutta Law Journal.
 Calc. W. N. Calcutta Weekly Notes.
 Can. L. J. Canada Law Journal. (Toronto, Can.)
 Can. L. T. Canadian Law Times. (Toronto, Can.)
 Case & Com. Case and Comment. (Rochester, N. Y.)
 Cent. L. J. Central Law Journal. (St. Louis, Mo.)
 Chic. Leg. N. Chicago Legal News. (Chicago, Ill.)
 Cit. The Citator; Reports of Indian Cases and Statutes. (Madras)
 Coffey's Prob. Dec. Coffey's Probate Decisions. (California)
 Colo. P. U. C. Colorado Public Utility Commission Decisions. (Denver)
 Colum. L. Rev. Columbia Law Review. (New York)
 Comm. Tel. Cas. Commission Telephone Cases—Leaflets. (New York)
 Conn. Comp. Dec. Connecticut Compensation Decisions. (Meriden, Conn.)
 Cont. L. Rev. Contemporary Law Review. (Madras, India)
 Conveyancer The Conveyancer. (London)
 Cornell L. Q. Cornell Law Quarterly. (Ithaca, N. Y.)
 Corp. J. Corporation Journal. (New York)
- Dauphin Co. R. Dauphin County Reports. (Pennsylvania)
 Del. Co. R. Delaware County Reports. (Pennsylvania)
 Det. Leg. N. Detroit Legal News. (Michigan)
 Dick. L. Rev. Dickinson Law Review. (Carlisle, Penn.)
 Docket The Docket. (West Pub. Co., St. Paul, Minn.)
- 1866 E. R. A. English Reports Annotated; cited by year. (London)
 Eng. Rul. Cas. English Ruling Cases. (Boston)
 Estee Estee's District Court of Hawaii Reports. (Honolulu)
- Fed. L. Q. Federal Law Quarterly. (Indianapolis, Ind.)
 Fed. Stat. Ann. 2d Ed. Federal Statutes Annotated—Second Edition.
 Fordham L. Rev. Fordham Law Review. (New York)
- Ga. L. R. Georgia Law Reporter.
 Geo. L. J. Georgetown Law Journal. (Washington, D. C.)
- Halsbury Halsbury's Laws of England. (London)
 Harv. L. Rev. Harvard Law Review. (Cambridge, Mass.)
- Ill. Ct. Cl. Illinois Court of Claims Reports.
 Ill. L. B. Illinois Law Bulletin. (Urbana, Ill.)
 Ill. L. Rev. Illinois Law Review. (Chicago, Ill.)
 Ill. P. U. R. Illinois Public Utility Commission Reports. (Springfield, Ill.)
 Ill. W. C. C. Illinois Workmen's Compensation Cases. (Chicago, Ill.)
 Indian L. J. Indian Law Journal. (Madras)
 Ins. L. J. Insurance Law Journal. (New York)
 Interna. L. N. International Law Notes. (London)
 Iowa L. B. Iowa Law Bulletin. (Iowa City, Iowa)
 Ir. L. T. Irish Law Times. (Dublin)

- J. Am. Jud. Soc. Journal of the American Judicature Society. (Chicago)
1917 J. C. Justiciary Cases (Scotch); cited by year. (Edinburgh)
J. Comp. Leg. Journal of the Society of Comparative Legislation. (London)
J. Crim. L. Journal of the American Institute of Criminal Law and
Criminology. (Chicago, Ill.)
J. P. Justice of the Peace. (London)
Jurid. Rev. Juridical Review. (Edinburgh)
Just. L. R. Justice's Law Reporter. (Lansdale, Penn.)

Ky. L. J. Kentucky Law Journal. (Lexington, Ky.)
Ky. Opin. Kentucky Opinions. (Lexington, Ky.)

L. J. Law Journal. (London)
L. Lib. J. Law Library Journal and Index to Legal Periodicals. (New
York)
L. Rev. U. Detroit Law Review—University of Detroit. (Michigan)
L. T. Law Times. (London)
Lack. Jur. Lackawanna Jurist. (Pennsylvania)
Lanc. L. Rev. Lancaster Law Review. (Pennsylvania)
Law. & Bank. Lawyer and Banker. (New Orleans, La.)
Law Mag. & Rev. Law Magazine and Review. (London)
Law Notes Law Notes. Publ. by Edw. Thompson Co. (Northport,
L. I., N. Y.)
Law Notes (Eng.) Law Notes. (London)
Law Q. Rev. Law Quarterly Review. (London)
Law Ser. Mo. Bull. University of Missouri Bulletin—Law Series. (Columbia,
Mo.)
Law Stud. H. Law Students' Helper. (Detroit, Mich.)
Lawyers' Rev. The Lawyer's Review. (Seattle, Wash.)
Leg. Int. Legal Intelligencer. (Philadelphia, Penn.)
Leg. Rec. Rep. Legal Record Reports—Schuylkill Co. (Penn.)
Lehigh Co. L. J. Lehigh County Law Journal. (Pennsylvania)
Lloyd's List Lloyd's List. (Daily, and Weekly). London.
Lloyd's Prize Cas. Lloyd's Prize Cases. (London)

M. & W. Cas. Mining and Water Cases—Annotated. (Chicago, Ill.)
Mad. L. J. Madras Law Journal. (India)
Maine L. Rev. Maine Law Review. (Bangor, Me.)
Mass. L. Q. Massachusetts Law Quarterly. (Boston)
Mass. W. C. C. Massachusetts Workmen's Compensation Cases. (Boston)
Md. W. C. C. Maryland Workmen's Compensation Cases. (Baltimore)
Med. Leg. J. Medico-Legal Journal. (New York)
Memo. The Memorandum. (Southern Railway Co. (New York)
Mich. L. Rev. Michigan Law Review. (Ann Arbor, Mich.)
Mich. R. C. Dec. Michigan Railroad Commission Decisions. (Lansing)
Minn. L. Rev. Minnesota Law Review. (Minneapolis, Minn.)
Mo. P. S. C. R. Missouri Public Service Commission Reports. (Jefferson
City, Mo.)
Mo. L. Rev. Monthly Law Review—Dept. of Law, Univ. of Detroit. See
L. Rev. U. Detroit.
Montg. Co. L. Rep'r. Montgomery County Law Reporter. (Pennsylvania)
Mun. App. Rep. Munitions Appeals Reports—England. (London)
Mun. Corp. Cas. Municipal Corporation Cases.

N. C. C. A. Negligence and Compensation Cases—Annotated.
N. J. L. J. New Jersey Law Journal. (Plainfield, N. J.)
N. J. L. Rev. New Jersey Law Review. (Newark, N. J.)
N. J. P. U. C. New Jersey Public Utility Commission Reports. (Trenton,
N. J.)
Nat. Corp. Rep. National Corporation Reporter. (Chicago, Ill.)
Neb. Unoff. Nebraska Unofficial Reports.
Northam. L. Rep. Northampton Law Reporter. (Pennsylvania)

Ohio L. B. Ohio Law Bulletin. (Norwalk, O.)
O. W. N. Ontario Weekly Notes. (Toronto, Can.)
Ohio L. R. Ohio Law Reporter. (Cincinnati, Ohio)
Okla. App. Ct. Rep. Oklahoma Appellate Court Reporter.
Okla. Crim. Oklahoma Criminal Reports.
Okla. I. C. R. Oklahoma Industrial Commission Reports. (Okla. City)
Okla. L. J. Oklahoma Law Journal. (Guthrie, Okla.)

- P. I. P. U. C. R.Philippine Islands Public Utility Commission Reports. (Manila)
- P. U. R. 1915-A.Public Utility Reports; cited by year and letter indicates volume of year given (1915 vol. A.)
- Pa. P. S. C. Dec.Pennsylvania Public Service Commission Decisions. (Harrisburg, Pa.)
- Phil. L. J.Philippine Law Journal. (Manila)
- Pittsb. Leg. J.Pittsburgh Legal Journal. (Pennsylvania)
- Posey Unrep. Cas.Posey's Unreported Cases. (Texas)
- Prob. Ct. Rep.Probate Court Reporter. (Ohio)
- Prob. Rep. Annot.Probate Reports Annotated. (New York)
- R. C. L.Ruling Case Law. Northport, L. I., N. Y.)
- Russ. & Jap. P. C.Russian and Japanese Prize Cases. (London)
- S. W. L. Rev.Southwestern Law Review. (Los Angeles, Cal.)
- Sad. Pa. Cas.Sadler's Pennsylvania Cases—Supreme Court.
- Sc. Mun. App. Rep.Scotch Munitions Appeals Reports. (Edinburgh)
- Scot. L. Rev.Scottish Law Review. (Glasgow)
- Scot. L. T.Scottish Law Times. (Edinburgh)
- So. Afr. Prize Cas.South African Prize Cases. (Juta)
- So. L. Q.Southern Law Quarterly. (New Orleans, La.)
- Sol. J.Solicitor's Journal and Weekly Reporter. (London)
- St. Louis L. Rev.St. Louis Law Review. (St. Louis, Mo.)
- Terr. L. R.North-West Territories Reports.
- TrehermBritish and Colonial Prize Cases. Vol. I. (London)
- U. Pa. L. Rev.University of Pennsylvania Law Review. (Philadelphia)
- Union Pac. L. D. B.Union Pacific Law Department Bulletin. (Omaha, Neb.)
- Va. Col. Dec.Virginia Colonial Decisions.
- Va. Dec.Virginia Decisions.
- Va. L. Reg. n. s.Virginia Law Register—new series. (Charlottesville)
- Va. L. Rev.Virginia Law Review. (Charlottesville)
- W. C. C.Workmen's Compensation Cases. (Minton-Senhouse) London.
- W. C. L. J.Workmen's Compensation Law Journal. (New York)
- W. L. R.Western Law Reporter. (Canada)
- W. Va. L. Q.West Virginia Law Quarterly. (Morgantown, W. Va.)
- Wash. L. Rep.Washington Law Reporter. (Washington, D. C.)
- Week. Law Bull.See Ohio Law Bulletin.
- Weekly NotesWeekly Notes. (London)
- Westmoreland Co. L. J.Westmoreland County Law Journal. (Pennsylvania)
- White & W. Civ. Cas. Ct. App.White and Wilson's Civil Cases, Court of Appeals. (Texas)
- Wis. R. C. R.Wisconsin Railroad Railroad Commission Reports. (Madison, Wis.)
- Yale L. J.Yale Law Journal. (New Haven, Conn.)
- York Leg. Rec.York Legal Record. (Pennsylvania)

NOTE:

- B. W. C. C.—This series is a continuation of W. C. C.
- Cit.—Name changed to Indian L. J.
- Case & Com.—Suspended publication account of war.
- Fordham L. Rev.—Suspended publication account of war.
- Law Mag. & Rev.—Suspended publication account of war.

AMERICAN ASSOCIATION OF LAW LIBRARIES

PROCEEDINGS OF THE ANNUAL MEETING HELD AT SARATOGA SPRINGS,
NEW YORK, JULY 3-5, 1918.

First Session: Wednesday, July 3, 1918, 2:30 p. m.

The meeting was called to order by President Edward H. Redstone. His address followed. On motion duly seconded and carried, the Report of the Secretary, as printed in 10 Law Library Journal 31, July, 1917, was approved and accepted after amendment of a motion by Mr. Butler regarding the subscription price to the Index to Legal Periodicals. (See 10 Law Library Journal 35, July, 1917.) In the absence of Mrs. M. B. Cobb, Treasurer, her report was read by Mr. Butler, submitted to the Auditing Committee, Messrs. E. E. Willever and A. H. Mettee, by whom it was certified correct, and on motion by F. O. Poole, seconded by Mr. Butler, it was accepted.

TREASURER'S REPORT.

Atlanta, Ga. July 1, 1918.

To the American Association of Law Libraries:

I have the honor to present the following report for the year 1917-8.

RECEIPTS

| | |
|------------------------------------|-----------|
| Balance on hand June 1, 1917 | \$ 107.79 |
| Dues | 120.15 |
| H. W. Wilson Company | 700.00 |
| Boston Book Company | 7.00 |
| Total.... | 934.94 |

EXPENDITURES

| | |
|--|--------|
| H. W. Wilson Company | 694.25 |
| G. E. Woodard | 200.00 |
| Geo. W. Burgoyne | 22.00 |
| Index Ptg Co. | 3.75 |
| Cash (Postage) | 4.00 |
| Thos. Groom & Co. | 6.75 |
| Total.... | 930.75 |
| Balance in Atlanta Nat'l Bank, Je 31, 1918 | 4.19 |

Respectfully submitted,
M. B. COBB, Treasurer.

Compared and found correct.

E. E. WILLEVER,
ANDREW H. METTEE,
Auditing Committee.

July 3, 1918.

Mr. Frederick C. Hicks, Law Librarian of Columbia University read a paper on "The Effect of the World War on Anglo American Legal Literature." (See 11 Law Library Journal 33-44, July, 1918.)

He was followed by Mr. Frank E. Chipman of the Boston Book Company who gave a "Brief Survey of Special Legislation."

Chairman F. O. Poole read the Report of the Committee on the Index to Legal Periodicals and Law Library Journal, as follows:

REPORT OF THE COMMITTEE ON THE INDEX TO LEGAL PERIODICALS
AND LAW LIBRARY JOURNAL.

To the Members of the American Association of Law Libraries:

At the Louisville meeting last year, the one point which your Committee brought up and emphasized was the necessity of bringing the receipts and expenditures closer together. The publication, as you all know, is the chief work which has been undertaken by the Association and it has been necessary always for the Association to devote a part of its income from dues to this purpose. The conditions arising from the War had, however, so increased the mechanical costs that additional income was essential.

The Association met this situation in two ways. First, by authorizing the Committee in its discretion to increase the subscription rate, incidentally approving a flat increase of \$2.50 to all subscribers if this seem wise to the Committee, and second by cutting down the size of the publication in the manner which will be touched upon later.

Your Committee, acting upon the permission granted to increase the subscription rate took up this matter with the H. W. Wilson Company, the business managers, and decided to send out a questionnaire for the purpose of securing the consensus of opinion of the subscribers as to whether a flat rate increase from \$5.00 to \$7.50, or a charge on a service basis, would be preferred. At the same time, subscribers were asked to indicate which of the periodicals indexed were to be found in their libraries and what periodicals, if any, should be indexed in addition to those already covered by the editor.

The replies to this questionnaire showed an almost unanimous opinion in favor of the service basis, and accordingly the Committee adopted this system. It is hoped that its operation will entirely relieve the financial stringency.

For the purpose of cutting down the size of the periodical, the Association at Louisville authorized the printing of a table of cases commented upon in the various periodicals and the omission of reference to such cases in the subject and author indexes. The Committee was also authorized to change the form of the author index to something more condensed than that heretofore used.

The change first mentioned has called forth criticism which your Committee would like to bring to the attention of the Association for the purpose of eliciting discussion of the points criticized. With this in view, we would read portions of a letter from Professor Francis S. Philbrick of the University of California Law School:

"... I have used the Index a great deal, and I wish, as an individual, to express the opinion that the change made in its form in 1917 has enormously decreased its value as an aid to legal studies. The change to which I refer is this: that instead of distributing throughout the Index, under the appropriate headings, the notes on recent decisions published in periodicals—including the analytical headnotes as given in the law reviews, and the names of cases to which the notes refer—there is now printed (since the July number of 1917) nothing but an alphabetical list of "Cases Commented Upon," with the reference to the law reviews where these are discussed.

That is, there is now no indication of the branch of the law to which each note refers, nor of the scope of the note. ... When the Index was printed in its earlier form it was unnecessary to read either the Reporters or the Notes on Current Decisions in the law reviews; every three months there could be examined in the Index, the entries under subjects whose development it was wished to follow and the important recent cases decided in those fields could be readily

located. . . . As the Index is now printed the reader is in exactly the same position, as respects the *case literature* of his subject, as a reader would be in a library without a subject catalogue. . . . It is true that my criticisms do not apply to *articles* published in the law reviews, for these are still entered by subjects in the Index. In other words, you have preserved for law students and instructors, the text-book literature that appears in the reviews, but you leave us without any key whatever to the case growth of the law. But the most valuable work of the law reviews, in the long run,—for students, teachers, and practitioners alike—will be accomplished through their criticism, analysis and comparison of cases."

Your Committee would also bring to your attention the following extract from a paper read at this meeting by Mr. Frederick C. Hicks, Librarian of the University of Columbia Law Library:

"In passing I cannot refrain from calling attention to a defect which is felt in the Index to Legal Periodicals whenever anyone is in search of material on a subject to which it is not easy to assign a definite technical name. The Index is now being edited with skill and accuracy according to the plan which was adopted by the American Association of Law Libraries. There is no ground for criticism nor intention to criticize either the Association or the Editor of the Index but the question is raised whether or not, beginning with a new volume, the scheme of headings and cross references should not be changed. As now drawn up, the plan provides only for use by lawyers. A knowledge of legal terminology is necessary in order to learn what material has been indexed. Nearly as much skill is required as is involved in the use of a digest, but as even lawyers welcome assistance in the form of descriptive word indexes and popular word concordances when they are using digests, so there is room, even from the lawyer's point of view, for popularization of the Index to Legal Periodicals. By some means we need to supplement the present outline with just that sort of information that is contained in the Descriptive Word Index to the American Digest System. This, of course, need not be done in a separate group of references but should be done as an integral part of each issue of the Index. My plan, is, therefore, to introduce into the scheme of subject headings a large number of headings not technically legal in character. This already is done to some extent. My plea is for an extension of the plan in order that the great mass of material may be of use to a larger circle. Only by making the Index serve a larger number of people can the subscription list be increased and the income be provided with which to extend and improve both the Index and the Law Library Journal."

Both these suggestions are laid before you for discussion.

In these days of economics, it is not surprising that there should again come to the surface, the old suggestion that we use the front cover of the Index for advertising purposes. Your Committee is opposed to this as tending to decrease, if not destroy the professional dignity of the publication.

The Committee desire to express their appreciation of the work of the editor, Miss Gertrude E. Woodard, and of the material assistance which has been given them during the past year by the business managers, the H. W. Wilson Company.

For the Committee,

F. O. POOLE, Chairman.

July 3, 1918.

A discussion of the report followed, resulting in a motion by Mr. Small, seconded by Mr. Butler that the committee be continued with power to act in increasing the scope and usefulness of the Index.

The report of the Committee on Legal Bibliography was read by Mr. A. J. Small, Chairman. Moved by Mr. Butler, seconded by Mr. Willever, that the report be accepted and the committee continued. Carried.

Moved by Mr. Small, seconded by Mr. Dullard, that the matter of the time and place of the next annual meeting of the Association be left for determination by the Executive Committee. Carried.

The meeting adjourned until 8 P. M.

Second Session: Wednesday, July 3, 1918, 8 P. M.

President Redstone called the meeting to order and introduced Mr. John T. Fitzpatrick, law librarian of the New York State Library, who read a paper entitled "Editing the New York Session Laws." (This paper appeared in full in the Law Library Journal of July, 1918.)

Mrs. Margaret Center Klingelsmith, librarian of the Biddle Law Library of the University of Pennsylvania, gave an account of the way in which that library is being catalogued.

Mr. Sumner Y. Wheeler, chairman, submitted the report of the Committee on Uniformity of Session Laws. On motion, seconded and carried, the report was accepted and the committee continued.

Mr. A. H. Mettee reported that the draft for a uniform law on insurance valuation of law libraries was not as yet completed.

The Nominating Committee, Messrs. Small, Crofts and Poole, submitted through its chairman the names of persons for the several offices of the Association. On motion by Mr. Wilkin, duly seconded and unanimously carried, the following officers were declared elected for the year 1918-1919:

President, EDWARD H. REDSTONE, Social Law Library, Boston, Mass.

1st Vice-President, JOHN T. FITZPATRICK, New York State Law Library, Albany, N.Y.

2nd Vice-President, MISS AGNES R. WRIGHT, Wyoming State Library, Cheyenne, Wyoming.

Secretary, MISS ELIZABETH B. STEERE, University of Michigan, Ann Arbor, Michigan.

Treasurer, MISS ANNA M. RYAN, Buffalo Law Library, Buffalo, N.Y.

Executive Committee: GEORGE S. GODARD (Connecticut), E. A. FEAZEL (Ohio), JOHN P. DULLARD (New Jersey).

There being no further business to be transacted the President declared the meeting adjourned until further notice.

AGNES R. WRIGHT,
Secretary, *pro tem.*

The following persons were in attendance at the meetings:

Demarcus C. Brown, Indiana State Library, Indianapolis, Indiana.

Harold L. Butler, American Law Library, New York City.

Sarah E. Center, Biddle Law Library, University of Pennsylvania, Philadelphia.

Frank E. Chipman, Boston Book Company, Boston, Mass.

George D. Crofts, 8th Judicial District Law Library, Buffalo, N.Y.

John P. Dullard, New Jersey State Library, Trenton, N.J.

Lawrence B. Evans, Massachusetts State Library, Boston, Mass.

Margaret Center Klingelsmith, Biddle Law Library, University of Pennsylvania, Philadelphia.

Andrew H. Mettee, Library Company of the Baltimore Bar, Baltimore, Maryland.

Franklin O. Poole, Association of the Bar of the City of New York.

Mr. Quire, Legislative Reference, California State Library, Sacramento.

Edward H. Redstone, Social Law Library, Boston, Mass.

N. Louise Ruckteshler, Follett Memorial Library, Norwich, N.Y.

A. J. Small, Iowa State Law Library, Des Moines, Iowa.

John T. Fitzpatrick, New York State Law Library, Albany, N.Y.

Gilson G. Glasier, State Library, Madison, Wisconsin.

George S. Godard, State Library, Hartford, Connecticut.

Miss Greene, West Virginia State Library.

Luther E. Hewitt, The Law Association of Philadelphia, Philadelphia, Penn.

Frederick C. Hicks, Law Library, Columbia University, New York City.

Irma A. Watts, Legislative Reference Bureau, Harrisburg, Penn.

Sumner York Wheeler, County Library, Salem, Mass.

R. H. Wilkin, Supreme Court Library, Springfield, Ill.

E. E. Willever, Law Library, Cornell University, Ithaca, N.Y.

G. E. Wire, Worcester County Law Library, Worcester, Mass.

Agnes R. Wright, State Library, Cheyenne, Wyoming.

JOINT SESSION OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES AND NATIONAL ASSOCIATION OF STATE LIBRARIES.

Dr. Lawrence B. Evans, librarian of the Massachusetts State Library, presented a paper on the workings of the Massachusetts Constitutional Convention, dealing particularly with the work of the Commission to Compile Data of which he is a member. (Dr. Evans' paper appears in full in the October number of the *Law Library Journal*.) Mr. William P. Capes, director of the Bureau of Municipal Information of the New York State Conference of Mayors and Other City Officials, contributed a very full and detailed account of the methods of work of the Bureau, illustrating by examples the value of this unique system of teamwork among municipalities.

The State Library's contribution to war work was the subject matter of the Tuesday evening session. Mr. James I. Wyer, Jr., director of the New York State library, described the library's plan for collecting material on the state's part in the war with the co-operation of local libraries. The Connecticut Military Census was described and its functions explained by Mr. George S. Godard, librarian of the Connecticut State Library.

A round table on legislative reference work and state document exchanges was held on Thursday evening. Mr. William E. Hannan, legislative reference librarian of the New York State Library, told of the advertising methods used in the New York State Library to overcome the handicap of being in a separate building from the legislature. Mr. Demarcus C. Brown, leading the discussion on document exchanges, reiterated the recommendations made at the 1908 session that a systematic effort be made to induce all states to make exchanges through the state libraries. A suggestion made by letter by Miss Marvin of Oregon that all but the very essential sendings be discontinued during the war was not approved. The need was emphasized of a law requiring delivery of a certain specified number of documents for use in exchange, because of the frequency with which documents get out of print before exchange distribution can be made. Resolutions were adopted urging a federal law to make obligatory the distribution to state libraries by the Superintendent of Documents of any desired bill of a public nature, and of the printed reports of all public Congressional hearings. It was voted to appoint a committee on the care and exchange of state documents, and to refer to it the question of a revised edition to the pamphlet by Ernest J. Reece on *State Documents for Libraries*, published by the University of Illinois in 1915.

Mr. George S. Godard, chairman, reported for the Committee on a National Legislative Information Service that war conditions had made it impossible to get support for the resumption of publication of the Official Index to State Legislation. The committee, however, was continued.

Mr. A. J. Small, chairman, reported that due to war conditions and failure to hear from Mr. Bullitt, the Committee on "A Handbook of Public Boards and Commissions" was unable to report any progress.

The Joint Committee on a Skeleton Index to Statute Law, Miss Gertrude E. Woodard, chairman, recommended that a tentative index be prepared through co-operation of the legislative reference departments of the several states with a central revising committee to be appointed by the two Associations, and that legislative reference departments use their influence to have it adopted as a guide by the persons who in the several states prepare the indexes to the legislation of 1919. It was voted to continue the committee with power to carry out the suggestions made.

The Convention passed memorial resolutions on the death of Mr. James L. Gillis, librarian of the California State Library. Resolutions were also passed deploring the action of the state of Ohio in removing from office for political reasons Mr. Charles B. Galbreath, state librarian.

The officers of the National Association of State Libraries elected to serve for 1918-19 were: President, Milton J. Ferguson, state librarian of California; First vice-president, Lawrence B. Evans, state librarian of Massachusetts; Second vice-president, Mrs. Maud Barker Cobb, state librarian of Georgia; Secretary-treasurer, Mrs. Eva May Fowler, acting librarian, Illinois State Library.

ELIZABETH M. SMITH,

Secretary, National Association of State Libraries.

LAW LIBRARY JOURNAL

Vol. XI

October, 1918

No. 3

Published in conjunction with the Index to Legal Periodicals, Vol. XI, no. 3, October, 1918

Published Quarterly by
The American Association of Law Libraries

OFFICERS OF THE ASSOCIATION:

| | |
|---|----------------------|
| President, EDWARD H. REDSTONE, Social Law Library, Boston. | Executive Committee— |
| 1st Vice-President, JOHN T. FITZPATRICK, New York State Law Library, Albany, N. Y. | President |
| 2d Vice-President, MISS AGNES WRIGHT, Wyoming State Library, Cheyenne, Wyo. | 1st Vice-President |
| Secretary, MISS ELIZABETH BEAL STEERE, University of Michigan Law Library, Ann Arbor, Mich. | 2d Vice-President |
| Treasurer, MISS ANNA M. RYAN, Buffalo Law Library, Buffalo, N. Y. | Secretary |
| | Treasurer |
| | GEORGE S. GODARD |
| | E. A. FEAZEL |
| | JOHN P. DULLARD |

Index to Legal Periodicals and Law Library Journal
Official Organ of the Association
Editor, GERTRUDE ELSTNER WOODARD
University of Michigan, Ann Arbor, Mich.
Business Manager, THE H. W. WILSON CO.,
New York, N. Y.

ANNOUNCEMENT

In the July number of the Index to Legal Periodicals the former practice of indexing notes and comments on recent cases under subject headings was resumed. The present number contains a large portion of such material omitted from the April number. The cumulative number for the year will include all such material for 1918, leaving the annual cumulative Index for the year 1917 the only one in which the case law items have been omitted from the Subject Index. The Table of Cases has been retained as it has met the needs of those who were interested in the criticism of particular cases. So far as is financially possible, the Index will be extended to meet the demands which its various classes of users make upon it.

NOTE

Beginning with volume 178, the Iowa Law Reports are printed on thin paper, practically doubling the number of pages per volume. Dark brown buckram is used exclusively for the binding. The Supreme Court Judges made the change from the usual thick paper editions as a step toward the conservation of shelf room. The volumes are about the same thickness as formerly but contain nearly twice the number of cases in each volume.

A. J. SMALL.

AMERICAN STATE REPORTS AND SESSION LAWS EXCLUSIVE OF SIDE REPORTS

Revised to December 1, 1918

| Publication | Dates of regular sessions | Source | Latest vol. to appear |
|--------------------------------|------------------------------------|---|-----------------------------|
| Alabama | | | |
| Reports | . . . | Secretary of State..... | 197 |
| App. Reports | . . . | Secretary of State..... | 14 |
| Session laws | Quadrennial 1911, 1915, etc. | Secretary of State..... | 1915 2 vols |
| Alaska | | | |
| Reports | . . . | West Publ. Co., St. Paul, Minn..... | 5 |
| Session laws | Odd years | Secretary of Territory..... | 1917 |
| Arizona | | | |
| Reports | . . . | Bancroft, Whitney & Co., San Francisco | 18 |
| Session laws | Odd years | State Librarian | 1st spec. 1918 |
| Arkansas | | | |
| Reports | . . . | F. H. Thomas L. B. Co., St. Louis.. | 131 |
| Session laws | Odd years | Secretary of State..... | 1917 2 vols |
| California | | | |
| Reports | . . . | Bancroft, Whitney & Co., San Francisco | 175 |
| App. Rep. | . . . | Bancroft, Whitney & Co., San Francisco | 34 |
| Adv. parts for both sets | . . . | Bancroft, Whitney & Co., San Francisco | |
| Session laws | Odd years | Secretary of State..... | 1916 ex, 1917 |
| Colorado | | | |
| Reports | . . . | Courtright Publ. Co., Denver..... | 62 |
| App. Reports | . . . | Mills Pub. Co., Denver..... | 27. Discontinued with v. 27 |
| Session laws | Odd years | Secretary of State..... | 1917 |
| Connecticut | | | |
| Reports | . . . | Banks L. P. Co., N. Y. City..... | 91 |
| Advance parts | . . . | Banks L. P. Co., N. Y. City. | |
| Session laws | Odd years | State Librarian | 1917 |
| Delaware | | | |
| Reports | . . . | State Librarian | 29 |
| Chancery Reports | . . . | State Librarian | 10 |
| Session laws | Odd years | Secretary of State..... | 1917 |
| District of Columbia | | | |
| Appeals | . . . | Lawyers Co-op. Pub. Co., Rochester, N. Y. | 47 |
| Acts of Congress pertaining to | Annual | Comms. of D. C..... | 1915-16 |
| Florida | | | |
| Reports | . . . | G. T. Whitfield, Clerk Supreme Ct.. | 73 |
| Session laws | Odd years | Secretary of State..... | 1917 gen. & spec. |
| Georgia | | | |
| Reports | . . . | State Librarian | 147 |
| App. Rep. | . . . | State Librarian | 20 |
| Session laws | Annual | State Librarian | 1917 reg. & ex. |
| Hawaii | | | |
| Reports | . . . | Jas. A. Thompson, Clerk Supreme Ct. | 23 |
| Advance parts | . . . | Jas. A. Thompson, Clerk Supreme Ct. | |
| Session laws | Odd years | Secretary of Territory..... | spec. 1918 |
| Idaho | | | |
| Reports | . . . | Bancroft, Whitney & Co., San Francisco | 30 |
| Session laws | Odd years | Secretary of State..... | 1917 |

| Publication | Dates of regular sessions | Source | Latest vol. to appear |
|------------------------|---------------------------|---|-----------------------|
| Illinois | | | |
| Reports | . . . | Callaghan & Co., Chicago..... | 283 |
| Advance parts | . . . | Supreme Ct. Reporter | |
| App. Rep. | . . . | Callaghan & Co., Chicago..... | 208 |
| Circuit Ct. Repts..... | . . . | T. H. Flood & Co., Chicago..... | 3 |
| Session laws | Odd years | Secretary of State..... | 1917 |
| Indiana | | | |
| Reports | . . . | Secretary of State..... | 185 |
| App. Reports | . . . | Secretary of State..... | 63 |
| Session laws | Odd years | Secretary of State..... | 1917 |
| Iowa | | | |
| Reports | . . . | Keefe-Davidson Co., St. Paul..... | 179 |
| Session laws | Odd years | State Law Librarian..... | 1917 |
| Kansas | | | |
| Reports | . . . | State Librarian | 102 |
| Advance parts | . . . | State Librarian | |
| Session laws | Odd years | State Librarian | 1917 |
| Kentucky | | | |
| Reports | . . . | State Librarian | 178 |
| Advance parts | . . . | State Librarian | |
| Kentucky opinions ... | . . . | Bobbs-Merrill, Indianapolis | 15 (Digest v. 2) |
| Session laws | Even years | State Librarian | 1918 |
| Louisiana | | | |
| Reports | . . . | State Librarian | 142 |
| Session laws | Even years | Secretary of State..... | 1917 ex |
| Maine | | | |
| Reports | . . . | State Librarian | 116 |
| Session laws | Odd years | State Librarian | 1916 sp; 1917 |
| Maryland | | | |
| Reports | . . . | King Bros., Baltimore..... | 131 |
| Advance parts | . . . | King Bros., Baltimore | |
| Session laws | Even years | State Librarian | reg. 1918 |
| Massachusetts | | | |
| Reports | . . . | Little, Brown & Co., Boston..... | 228 |
| Advance parts | . . . | Little, Brown & Co., Boston | |
| Session laws | Annual | State Librarian | 1918 |
| Michigan | | | |
| Reports | . . . | Callaghan & Co., Chicago..... | 197 |
| Session laws | Odd years | State Librarian | 1917 Pub. & Loc. |
| Minnesota | | | |
| Reports | . . . | Keefe-Davidson Co., Minneapolis... | 139 |
| Advance parts | . . . | Keefe-Davidson Co., Minneapolis | |
| Session laws | Odd years | Secretary of State..... | 1916 ex, 1917 |
| Mississippi | | | |
| Reports | . . . | E. W. Stephens Publ. Co., Columbia, Mo. | 117 |
| Session laws | Even years | Secretary of State..... | ex. 1917; reg. 1918 |
| Missouri | | | |
| Reports | . . . | F. H. Thomas Law Book Co., St. Louis | 273 |
| App. Reports | . . . | F. H. Thomas Law Book Co., St. Louis | 198 |
| Session laws | Odd years | Secretary of State..... | 1917 |
| Montana | | | |
| Reports | . . . | Bancroft, Whitney & Co., San Francisco | 54 |
| Session laws | Odd years | State Law Librarian..... | ex. F '18 |
| Nebraska | | | |
| Reports | . . . | H. C. Lindsay, State Librarian..... | 101 |
| Session laws | Odd years | H. C. Lindsay, State Librarian..... | ex. 1918 |
| Nevada | | | |
| Reports | . . . | Secretary of State..... | 40 |
| Session laws | Odd years | Secretary of State..... | 1917 |

| Publication | Dates of regular sessions | Source | Latest vol. to appear |
|--|---------------------------|---|-----------------------|
| New Hampshire | | | |
| Reports | . . . | John H. Riedell, Manchester, N. H... | 77 |
| Advance parts | . . . | John H. Riedell, Manchester, N. H. | |
| Session laws | Odd years | Edson C. Eastman, Concord, N. H... | 1917 |
| New Jersey | | | |
| Law Reports | . . . | Soney & Sage, Newark, N. J..... | 90 |
| Equity Reports | . . . | Soney & Sage, Newark, N. J..... | 88 |
| Session laws | Annual | Secretary of State..... | 1918 |
| New Mexico | | | |
| Reports | . . . | State Librarian | 22 |
| Session laws | Odd years | Secretary of State..... | 1917 and ex. |
| New York | | | |
| Reports | . . . | J. B. Lyon Co., Albany..... | 223 |
| App. Div. Repts..... | . . . | J. B. Lyon Co., Albany..... | 180 |
| N. Y. Miscellaneous... | . . . | J. B. Lyon Co., Albany..... | 102 |
| Session laws | Annual | J. B. Lyon Co., Albany..... | 1918 3 v. |
| Advance parts covering all the above. | . . . | J. B. Lyon Co., Albany | |
| North Carolina | | | |
| Reports | . . . | Secretary of State..... | 174 |
| Session laws | Odd years | Secretary of State..... | Bien. Rev. |
| North Dakota | | | |
| Reports | . . . | Secretary of State..... | 38 |
| Session laws | Odd years | Secretary of State..... | Sp. Ja. '18 |
| Ohio | | | |
| Reports | . . . | W. H. Anderson Co., Cincinnati.... | 96 |
| App. Reports | . . . | W. H. Anderson Co., Cincinnati... | 7 |
| Session laws | Odd years | Secretary of State..... | 1917 |
| Oklahoma | | | |
| Reports | . . . | State Librarian | 54 |
| Criminal Reports | . . . | State Librarian | 13 |
| Session laws | Odd years | Secretary of State..... | Supp. to R. L. 1918 |
| Oregon | | | |
| Reports | . . . | Bancroft, Whitney & Co., San Francisco | 88 |
| Session laws | Odd years | Secretary of State..... | 1917 |
| Pennsylvania | | | |
| State Reports | . . . | Geo. T. Bisel & Co., Philadelphia... | 260 |
| Superior Court Repts. | . . . | Geo. T. Bisel & Co., Philadelphia... | 68 |
| District Reports with advance parts, including advance parts in the first two series | . . . | Legal Intelligencer, Philadelphia.... | 26 |
| Session laws | Odd years | Secretary of State..... | 1917 |
| Philippines | | | |
| Reports | . . . | Bureau Insular Affairs, Washington, D. C. | 33 |
| Session laws | Annual | Bureau Insular Affairs, Washington, D. C. | Pub. 1916-17 |
| Porto Rico | | | |
| Reports | . . . | Bureau Insular Affairs, Washington, D. C. | 25 |
| Session laws | Annual | Bureau Insular Affairs, Washington, D. C. | Sp. Feb. 1918 |
| Rhode Island | | | |
| Reports | . . . | State Librarian | 39 |
| Acts and Resolves.... | Annual | State Librarian | Ja 1917 |
| Public laws..... | . . . | | Ja 1918 |
| South Carolina | | | |
| Reports | . . . | R. L. Bryan, Columbia, S. C..... | 107 |
| Advance parts | . . . | R. L. Bryan, Columbia, S. C. | |
| Session laws | Annual | Secretary of State..... | 1918 |
| South Dakota | | | |
| Reports | . . . | State Publ. Co., Pierre, S. D..... | 39 |
| Session laws | Odd years | Secretary of State..... | Sp. Mr '18 |

| Publication | Dates of regular sessions | Source | Latest vol. to appear |
|---|---------------------------|---|---------------------------------|
| Tennessee | | | |
| Reports | ... | E. W. Stephens Pub. Co., Columbia, Mo. | 139 |
| Session laws | Odd years | Secretary of State..... | Pub. & Priv. 1917 |
| Texas | | | |
| Reports | ... | Southern L. Book Publishers, Austin, Tex. | 108 |
| Civil Appeals | ... | T. H. Flood & Co., Chicago..... | 63 |
| Criminal Reports | ... | Southern L. Book Publishers, Austin, Tex. | 80 |
| Session laws | Odd years | Secretary of State..... | Gen. & sp. 4th called Feb. 1918 |
| Utah | | | |
| Reports | ... | Callaghan & Co., Chicago..... | 49 |
| Session laws | Odd years | The Kelly Co., Salt Lake City..... | 1917 |
| Vermont | | | |
| Reports | ... | State Librarian | 90 |
| Advance parts | ... | John W. Redmond, Reporter, Newport, Vt. | |
| Session laws | Odd years | State Librarian | 1917 |
| Virginia | | | |
| Reports | ... | Secy. of Commonwealth..... | 121 |
| Advance parts entitled Va. and W. Va. Appeals | ... | Appeals Press, Richmond, Va. | |
| Session laws | Even years | Secy. of Commonwealth..... | Jan. 1918 |
| Washington | | | |
| Reports | ... | Bancroft, Whitney & Co., San Francisco | 100 |
| Advance parts | ... | Bancroft, Whitney & Co., San Francisco | |
| Session laws | Odd years | Secretary of State..... | 1917 |
| West Virginia | | | |
| Reports | ... | Secretary of State..... | 80 |
| Advance parts (See Virginia) | ... | | |
| Session laws | Odd years | Secretary of State..... | 1917 reg., extra and 2nd extra |
| Wisconsin | | | |
| Reports | ... | Callaghan & Co., Chicago..... | 167 |
| Session laws | Odd years | State Supt. of Pub. Prop'ty, Madison | Sp. Feb. 1918 |
| Biennial compilation by the State Reviser | ... | State Supt. of Pub. Prop'ty, Madison | 1917 |
| Wyoming | | | |
| Reports | ... | Callaghan & Co..... | 24 |
| Session laws | Odd years | State Librarian | 1917 |
| United States | | | |
| Reports | ... | Banks L. P. Co., N. Y. City..... | 246 |
| Reports L. Ed..... | ... | Lawyers Co-op. Pub. Co., Rochester, N. Y. | 61 |
| C. C. A. | ... | West Pub. Co., St. Paul, Minn..... | 157 |
| Porto Rico Federal ... | ... | Lawyers Co-op. Pub. Co., Rochester, N. Y. | 9 |
| I. C. C. | ... | Govt. Printing Office, Washtn., D. C. | 47 |
| Court of Claims | ... | Govt. Printing Office, Washtn., D. C. | 52 |

Title page and index on pp. 75-78.